

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Esme Trontz	Team: Squad #7	CCRB Case #: 202004474	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Saturday, 05/30/2020 10:20 PM	Location of Incident: 2273 Church Avenue	Precinct: 70	18 Mo. SOL 11/30/2021	EO SOL 5/4/2022	
Date/Time CV Reported Fri, 06/19/2020 4:05 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Fri, 06/19/2020 4:05 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. An officer			
2. POM Justin Adetimirin	12522	965920	081 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Dylan Mccann	14257	960907	067 PCT
2. POM Bledi Binaj	15833	963874	072 PCT
3. POM Tarik Haywood	14154	960648	070 PCT
4. POM Adnan Hussain	00333	961531	070 PCT
5. SGT Yevgeny Vaks	05179	947564	060 PCT
6. POM Adrian Theobald	31670	955573	075 PCT
7. POM Michael Sher	07435	951244	070 PCT
8. POM Jonathan Connors	10739	966000	071 PCT
9. POM Dionnys Hernandez	03844	961814	070 PCT
10. SGT Fitzroy Vigilance	04583	918667	071 PCT

Officer(s)	Allegation	Investigator Recommendation
A. POM Justin Adetimirin	Force: Police Officer Justin Adetimirin used physical force against an individual.	
B. An officer	Force: An officer struck § 87(2)(b) with a police shield.	
C. An officer	Force: An officer used physical force against § 87(2)(b)	
D. An officer	Abuse: An officer did not obtain medical treatment for § 87(2)(b)	

Case Summary

§ 87(2)(b) filed this complaint with the CCRB on June 19, 2020 via the online portal.

On the evening of May 30, 2020, § 87(2)(b) attended a protest that stopped at Bedford Avenue and Church Avenue in Brooklyn at approximately 9:30 p.m., where hundreds of civilians and officers gathered in the intersection. At approximately 10:20 p.m., when § 87(2)(b) was standing in front of the post office at 2273 Church Avenue and filming with his cell phone, a firework went off in front of the Shell Gas Station. Officers began running after civilians, and Police Officer Justin Adetimirin of the 81st Precinct pushed an unidentified individual (**Allegation A: Physical Force**, § 87(2)(b), § 87(2)(g)). Within seconds, § 87(2)(b) turned to his left and saw a male officer with a plastic shield run toward him and allegedly push him with his shield, causing him to fall onto the ground and hit his head (**Allegation B: Force- Shield, and Allegation C: Physical Force**, § 87(2)(g)). § 87(2)(b) passed out, and when he woke up, he had terrible pain all over his body, including his head, ribs, arms, and legs. A tall black male officer allegedly came up to him and said, “You gotta go, you gotta go. Are you okay?,” to which § 87(2)(b) said, “No, I need help, I need an ambulance.” Allegedly, the officer immediately walked away without calling an ambulance for § 87(2)(b) (**Allegation D: Abuse of Authority- Refusal to Obtain Medical Treatment**, § 87(2)(g)). § 87(2)(b) was not arrested or summonsed, but he was eventually transported by a § 87(2)(b) ambulance to § 87(2)(b) Hospital in Brooklyn.

§ 87(2)(b) provided eight cell phone videos that he took during the protest (Board Review #01). The most relevant video shows the moment the unidentified officer runs up to him, after which he falls (Board Review #33). BWC videos from related cases were reviewed and determined to be irrelevant to this incident.

Findings and Recommendations

Allegation (B) Force: An officer struck § 87(2)(b) with a police shield.

Allegation (C) Force: An officer used physical force against § 87(2)(b)

Known Facts and General Description

§ 87(2)(b) was interviewed by the CCRB via telephone on July 2, 2020 (Board Review #02). Police Officer Justin Adetimirin of the 81st Precinct was interviewed by the CCRB on September 16, 2020 (Board Review #03). Lieutenant Michael Butler of the Office of the Chief of Department was interviewed by the CCRB on September 22, 2020 for related case #202003799 (Board Review #04). Police Officer Bledi Binaj of the 72nd Precinct (who, at the time of the incident, was temporarily assigned to the 67th Precinct) was interviewed by the CCRB on October 2, 2020 (Board Review #05). Police Officer Dylan McCann of the 67th Precinct was interviewed by the CCRB on October 19, 2020 (Board Review #06). Police Officer Adnan Hussain of the 70th Precinct was interviewed by the CCRB on January 19, 2021 (Board Review #07).

§ 87(2)(b) testified that he arrived at the protest near Bedford and Church Avenues in Brooklyn at approximately 9:30 p.m. on May 30, 2020. He took videos with his cell phone throughout the night for the next hour. At 10:20 p.m., when § 87(2)(b) was standing in front of the post office at 2273 Church Avenue, a firework went off near the Shell Gas Station on Bedford and Church Avenues. A large group of civilians and officers started running West on Church Avenue, away from the Shell. § 87(2)(b) did not move, but continued filming, and on his left saw an approximately over 6’ tall, 200-pound uniformed white male in his 30s with a big build, wearing a helmet and holding a large white riot shield. The officer ran toward § 87(2)(b) without saying anything or issuing any orders.

§ 87(2)(b) stood frozen with both of his hands above his head and said, “I’m gone! I’m gone!” The officer hit the left/front side of § 87(2)(b)’s body with his shield, causing § 87(2)(b)’s body to move back two to three feet, and the right side of his head above his ear hit the iron gate in front of the post office. § 87(2)(b) believed that he blacked out for a few seconds as soon as his head struck the gate. § 87(2)(b) was eventually able to stand up on his own, walk a few blocks, and call an ambulance, which transported him to § 87(2)(b) Hospital in Brooklyn. The hospital records show that as of 11:06 p.m. on the night of the incident, § 87(2)(b) was experiencing extreme chest pain, difficulty breathing, potential rib fractures, and “slight volar subluxation” (dislocation) in his right hand (Board Review #08, #09).

Body-Worn Camera Footage and Other Video Evidence

Two requests for BWC were generated for this case, which were returned on July 7, 2020 with four videos (Board Review #10) and on July 20, 2020 with eight videos (Board Review #11), four of which were unique from the first request. These videos are all summarized in IA #69 (Board Review #12).

Two requests were sent through related case #202003841, the first of which was returned on June 23, 2020 with 10 videos, and the second of which was returned negative on July 13, 2020 (Board Review #13). Three requests were sent through case #202003800, the first of which was returned negative on June 22, 2020, the second of which was returned negative on September 15, 2020, and the third of which was returned negative on October 5, 2020 (Board Review #14). One video from Captain James Hepworth was also received for that case (Board Review #15). Two requests were sent through case #202003805, the first of which was returned on June 23, 2020 with 6 videos, and the second of which was never received (Board Review #16). Four requests were sent through case #202003782, the first of which was returned negative on June 24, 2020, the second of which was returned on July 15, 2020 with three videos, the third of which was returned on September 3, 2020 with 11 videos, and the fourth of which was returned negative on September 16, 2020 (Board Review #17). One request was sent through case #202006547, which was returned on October 27, 2020 with seventeen videos (Board Review #35). According to the receipts from NYPD Legal Bureau, searches for these videos included dozens of commands, including the 40th, 42nd, 60th, 67th, 68th, 69th, 70th, 71st, 72nd, 73rd, 75th, 110th, precincts, SRG, ESU, CRC, Counterterrorism, OCD, Recruit Training, ITB, PSA 1 and 3, Transit Bureaus 32 and 34, and Narcotics.

All BWC videos available were reviewed and did not show § 87(2)(b)’s incident as he described it. The only video that appears to show § 87(2)(b) at all is at 09:50 in one BWC video of Police Officer Dionnys Hernandez from the 70th Precinct (Board Review #18). In that video, § 87(2)(b) is only seen for a few seconds standing on the sidewalk with many other protesters and appears to be filming on his phone.

A FOIL request to the US Postal Service for video footage from the post office at 2273 Church Avenue was returned negative on July 13, 2020 (Board Review #19). On June 15, 2020, Investigator Charlie Hartford performed fieldwork near the incident location for related case § 87(2)(g) a complaint which took place at the same protest and near Bedford and Church Avenues (Board Review #20). Inv. Hartford canvassed buildings 2713, 2717, 2723, 2801, 2802, 2803, 2804, and 2812 Church Avenue for external surveillance cameras. Inv. Hartford did not recover any relevant surveillance footage. On June 25, 2020, for related case #202003805, Investigator Zachary Herman reviewed security footage from exterior-facing cameras of a nearby business but found that the footage from these cameras was not retained from May 30, 2020. Investigator Herman also found that the exterior cameras at Chemplus pharmacy at 2606 Church Avenue were not functional, and that the Family Deli at 2604 Church Avenue did not have

cameras. No further available cameras were found (Board Review #21).

Four handheld TARU videos from case § 87(2)(g) were reviewed, one of which is attached in IA #82 and shows the post office at 2273 Church Avenue that § 87(2)(b) had been standing in front of (Board Review #22). § 87(2)(b) is not seen in this footage.

§ 87(2)(b) provided eight cell phone videos he took during the incident, one of which (IMG_0334) captures the incident and shows the unidentified officer running toward § 87(2)(b) at 37 seconds into the footage (Board Review #01, #33). The uniformed male officer, who appears to be white, of average height, with a slightly big build, wearing a helmet, and holding a small shield in his left hand stops and looks in the direction of the camera. At 38 seconds, he is seen running toward the camera, and the camera quickly pans to the right and begins to shake quickly. § 87(2)(b) says, “I’m gone, I’m gone, I’m gone!” The screen goes black because, as § 87(2)(b) stated in his interview, he fell to the ground and hit his head on the iron gate next to him. This cell phone video was the only footage available that showed § 87(2)(b)’s incident, and thus was the best resource to attempt to identify the subject officer. Specific details of the officer’s appearance are seen in the screenshot from the video attached to IA #217 (Board Review #34). These details include the torso-sized plastic shield in his left hand, small markings or the lack of markings on his uniform, and the numbers “33” at the end of the number on his helmet. Attempts to match these details to other officers seen in other videos were unsuccessful.

NYPD Documents Reviewed

Because the incident occurred on the border of the 67th and 70th precincts, the resource recap logs for those precincts were reviewed (Board Review #23, #24). While the logs identified some officers who were called for backup or were in the vicinity of the intersection of Bedford and Church Avenues, the logs, like most other documents available from the NYPD, could not accurately indicate which officers were at specific locations at specific times. The detail roster and memo books from Disorder Control showed that every officer with “33” in their shield number was not in Brooklyn during the incident (Board Review #39). The detail roster from Patrol Borough Brooklyn South, which included the rosters from the 67th and 70th Precincts, did not list any officers who roughly matched § 87(2)(b)’s description or the screenshot of the subject officer and whose shield ended in “33,” other than Police Officer Hussain, who was interviewed and determined not to be the subject (Board Review #40). MOS Photos of many officers from several different commands, including Disorder Control, Strategic Response Group, the 67th, 70th, 72nd, and 81st Precincts, were compared to the brief shot of the subject officer in the video, but none appeared to be a close enough match. Dozens of memo books from different officers were received, none of which mentioned § 87(2)(b) or his incident. No AIDED was prepared for § 87(2)(b) (Board Review #25), nor was a Threat, Resistance and Injury Report (Board Review #31).

Concurrent Investigations

This complaint was made to the CCRB, and the CCRB is not aware of any concurrent investigations by any other agencies regarding this incident.

Ranking Officers

Chief of Department Terence Monahan was interviewed on March 8, 2021 for related cases § 87(2)(g) and #202003841 (Board Review #36). Chief Monahan’s general observations of the protest at Bedford and Church Avenues were consistent with those of other officers and civilians: there was a large crowd of civilians, several of whom officers attempted to

arrest. Some civilians threw cinderblocks and lit fireworks. Chief Monahan ordered officers to “pull back” away from the group of civilians at some point, and to clear the nearby blocks. Officers were able to secure the Shell Gas Station at Bedford and Church Avenues with additional personnel. Chief Monahan did not issue any instructions regarding the gas station, did not hear any supervisors on scene give instructions to the officers near the gas station, nor was he aware of which supervisors oversaw the group of officers near the gas station.

As officers began approaching the crowd of protestors to clear civilians from the block, some civilians shot fireworks at officers approximately four to five times. The officers responded to the fireworks in the same way they responded to other objects being thrown at them and arrested some civilians in the middle of the street. Officers announced to the group of civilians in the street that they would be arrested if they didn’t leave. Chief Monahan did not see any civilians rendering medical aid to other civilians, nor did he see any officers pushing any civilians with their batons.

Officers Interviewed

Police Officer Justin Adetimirin of the 81st Precinct, who was seen in § 87(2)(b) s cell phone video a few seconds before he was allegedly pushed, was interviewed on September 16, 2020 (Board Review #03). Police Officer Bledi Binaj of the 72nd Precinct (who, at the time of the incident, was temporarily assigned to the 67th Precinct) was interviewed on October 2, 2020 because he was confirmed to be at the protest and his shield number was “15833” (Board Review #05). Police Officer Dylan McCann of the 67th Precinct, who was seen in § 87(2)(b) s cell phone video seconds before the subject officer allegedly pushed § 87(2)(b) was interviewed on October 19, 2020 (Board Review #06). Police Officer Adnan Hussain of the 70th Precinct was interviewed on January 19, 2021 because he was confirmed to be at the protest and his shield number was “333” (Board Review #07). All officers interviewed could reference very few specific incidents they witnessed or could remember; most only remembered the presence of many civilians and officers, and of objects being thrown. All officers interviewed denied seeing or did not remember seeing § 87(2)(b) at the protest, and Police Officers Binaj and Hussain denied pushing § 87(2)(b) to the ground. Police Officers Binaj and Hussain were also determined not to be the subject officer because their appearances were not close enough to the subject’s, neither carried a plastic shield, and other small details of their uniforms did not match the subject’s, as seen in the screenshot of the cell phone video (Board Review #34).

Allegation Recitation and Disposition

Allegation (B) Force: An officer struck § 87(2)(b) with a police shield.

Allegation (C) Force: An officer used physical force against § 87(2)(b)

The officer who allegedly pushed § 87(2)(b) could be from any number of commands from the entire city, and § 87(2)(b) s video does not show the officer’s face, complete helmet number, or other identifying features clearly enough to positively identify the officer. Absent additional video footage of the encounter and reliable documentation of officers’ assignments at the protest (and other dynamic protests throughout the city) § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation (A) Force: Police Officer Justin Adetimirin used physical force against an individual.

At 32-33 seconds into § 87(2)(b) s cell phone video IMG_0334, about 30 seconds after a firework

was seen going off near the gas station at the corner, a black male officer immediately to the left of the bus stop and wearing a helmet with the numbers “12522” is seen standing at the edge of the sidewalk (Board Review #33). A SnagIt recording showing the next few seconds in frame-by-frame analysis shows the following: the officer is facing the camera and looking toward a white male individual with a bike running toward him (Board Review #37). As the individual continues to run past him and push his bike, the officer makes contact with the backs of the individual’s upper arms and pushes him forward. As the camera pans to the right, the civilian’s arms are seen outspread and moving to the ground.

Upon viewing the original video from 13 to 24 seconds, which shows a large group of civilians running down Church Avenue, away from Bedford Avenue, Police Officer Adetimirin testified that he did not know why civilians were running or whether they ran on their own accord (Board Review #33). Police Officer Adetimirin then viewed a frame-by-frame portion of footage starting at 33 seconds. He acknowledged that he saw the black male officer pushing a civilian on a bike. Upon viewing a zoomed-in screenshot of this moment, Police Officer Adetimirin could read that the first three numbers of the officer’s helmet were “1, 2, 5.” He was not sure whether the officer was himself because the video was not clear enough. However, he confirmed that the helmet he was wearing during the protest had his shield number on it, “12522.” Thus, the investigation determined by a preponderance of the evidence that the officer shown in this footage is Police Officer Adetimirin.

Police Officer Adetimirin testified that he was instructed by a supervisor in a white shirt he did not know to disperse the crowd and to create a perimeter. Police Officer Adetimirin understood that “dispersing the crowd” entailed ordering people to move back. Whenever any fireworks went off, according to Police Officer Adetimirin, civilians and officers all ran in different directions. No civilians ran toward officers; civilians either ran away or stayed stationary. Police Officer Adetimirin could not recall whether he made physical contact with anyone.

Patrol Guide Procedure 221-01 authorizes officers to use a reasonable amount of force to gain control or custody of a subject (Board Review #26). Officers must consider several factors to determine the reasonability of the force used, including the actions taken by the subject, whether the subject is attempting to evade arrest by flight, and the presence of a hostile crowd.

§ 87(2)(b), § 87(2)(g)
[REDACTED]

Allegation (D) Abuse of Authority: An officer did not obtain medical treatment for § 87(2)(b)
[REDACTED]

[REDACTED] alleged that after he was shoved, he hit his head on the iron gate in front of the post office, passed out for a few seconds, and woke up on the ground. He felt terrible pain all over his body, including his head. After approximately five to 10 seconds, an approximately 6’ tall uniformed black male in his 30s with a skinny build, wearing a helmet, and holding a nightstick, came up to § 87(2)(b) and said, “You gotta go, you gotta go. Are you okay?” § 87(2)(b) said,

“No, I need help, I need an ambulance.” The officer immediately walked away toward what § 87(2)(b) believed to be Flatbush Avenue, and he never saw the officer again.

§ 87(2)(b)'s cell phone video IMG_0334 shows Police Officer Adetimirin in the street a few seconds before § 87(2)(b) is pushed (Board Review #33). At 56 seconds, after the screen goes black, an unidentified voice says, “You alright?” There is no visual component of this portion of video because § 87(2)(b) was on the ground. § 87(2)(b) testified in his interview that he was not sure whether the voice belonged to the black male officer or a white male civilian on a bike who also asked if he was okay. No audio is captured of anyone saying, “You gotta go, you gotta go.” While multiple other tall uniformed black male officers are seen in the BWC and TARU videos available from the protest, none are clearly seen in § 87(2)(b)'s video in the moments before he was pushed. § 87(2)(b) also testified that he reviewed all the videos he took throughout the protest and did not see the black male officer in question. No videos are available that show § 87(2)(b) lying on the ground.

Police Officer Adetimirin's MOS photo states that, at the time of the incident, § 87(2)(b) Police Officer Adetimirin did not recall seeing § 87(2)(b) as shown in the photographs attached to IA #112 (Board Review #38). Police Officer Adetimirin also did not recall seeing an officer push § 87(2)(b) nor did he recall approaching any civilian who was lying on the ground after being pushed by an officer. No civilian requested medical attention from PO Adetimirin, and he denied hearing any civilian request medical attention from any other officers. There were other black male officers present at the protest but PO Adetimirin did not know who they were. Police Officer McCann did not recall seeing, and Police Officer Hussain did not believe he saw, any civilians who appeared to be injured or in pain. Police Officers McCann and Hussain could not think of or did not hear any civilians request medical attention from any officers. Police Officer McCann did not see any officer go up to § 87(2)(b) after he fell, after which § 87(2)(b) stated he needed medical attention and the officer walked away. Police Officer Hussain did not hear any officers refuse to obtain medical attention for any civilian.

Though Police Officer Adetimirin roughly matches § 87(2)(b)'s description of the subject officer and was seen in § 87(2)(b)'s video shortly before he was pushed, the statements § 87(2)(b) said the officer made after he fell were not captured on video. No officer was able to testify about the alleged encounter. § 87(2)(b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review #28).
- Police Officer Justin Adetimirin has been a member-of-service for three years and has been named a subject in one CCRB complaint and two allegations, neither of which was substantiated. Police Officer Adetimirin's § 87(2)(g)

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.

- As of July 22, 2020, the NYC Office of the Comptroller has no record of any Notices of Claim being filed regarding this complaint (Board Review #29).
- According to the Office of Court Administration (OCA), § 87(2)(b) has no record of convictions in NYC (Board Review #30). OCA does not list any other convictions.

Squad: ____7____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date